

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**JOHN ARMENDARIZ, JR.**

**Defendant.**

**8:04CR328**

**ORDER**

This matter is before the Court on the Defendant's "Motion to Compel and Show Cause, for Suspended Sentence, RRC, or Home Confinement Placement Due to Severe Medical Issues and Condition," ECF No. 226.

On October 11, 2018, the Defendant was sentenced to a term of six months incarceration, to be followed by 24 months of supervised release, following his admission to certain violations of his supervised release. See Judgment, ECF No. 224. The Court permitted the Defendant to self-surrender to the Bureau of Prisons and recommended that the Bureau of Prisons place him in a medical facility. *Id.* at Page ID 1374. The Defendant did not appeal his conviction or sentence and the Judgment is final.

The Defendant is not satisfied with the medical care he is receiving within the Bureau of Prisons and now requests that the Court suspend his sentence, permit him to reside in a residential re-entry center, or authorize home confinement.

The recommendation made by the Court to the Bureau of Prisons regarding the Defendant's placement is merely a recommendation. The Bureau of Prisons has the ultimate authority to determine the Defendant's placement, and the responsibility to

provide him with appropriate medical care. This Court does not have the authority to alter or amend the Judgment.

IT IS ORDERED:

1. The Defendant's "Motion to Compel and Show Cause, for Suspended Sentence, RRC, or Home Confinement Placement Due to Severe Medical Issues and Condition," ECF No. 226, is denied, and
2. The Clerk will mail a copy of this Order to the Defendant at his last known address.

Dated this 21<sup>st</sup> day of February 2018.

BY THE COURT:

s/Laurie Smith Camp  
Senior United States District Judge